

Appl. No. 10/643,564
Amendment and Response dated August 30, 2007
Reply to final Office Action of July 30, 2007

REMARKS

Claims 1, 3-11, and 15-28 were pending in the application at the time of examination.

The specification is amended to clarify a computer readable medium configured to store computer readable code and a computer readable medium configured to transport computer readable code.

Claims 1, 15, 20 and 26 are amended. Applicants submit the amendments are supported in the application as filed, and that no new matter has been added.

Applicants respectfully request reconsideration of the application.

Claims 1, 3-11, and 15-28 are presented for examination.

Examiner Interview

Applicants hereby acknowledge and thank the Examiner for the telephone interview conducted August 28, 2007 between Examiner Nadia Khoshnoodi and the Attorney for Applicants, Lisa A. Norris. In the interview, the 101 rejections of Claims 26-28 were discussed, and clarification of the specification and Claim 26 as amended herein to overcome the 101 rejections. Further, the reference Hockey was discussed in regard to the anticipation rejections of Claims 1 and 26. Also, the reference Chesla was discussed in regard to the anticipation rejections of Claims 15 and 20. Additionally, the references Hockey and Chesla were discussed in regard to the obviousness rejections of Claim 8-11.

Rejections under 35 U.S.C. 101

In the Office Action at page 4, the Examiner rejected Claims 26-28 under 35 U.S.C. 101 as directed to non-statutory subject matter and stated in part:

..Claims 26-28 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter, as they do not fall under any of the statutory classes of inventions. The language in the claims raise an issue because the claims are directed

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merely to an abstract idea that is not tied to an article of manufacture which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101. Specifically, these claims recite "a computer program product comprising a tangible computer readable medium containing computer program code" where the Applicant's disclosure states that "a computer program product comprises a medium configured to store or transport computer readable code..." where in the example of acceptable computer programs products, Applicants have allowed for "signals transmitted over a network representing computer readable code" where signals are currently non-statutory subject matter (see Applicant's disclosure, the second paragraph on page 25).

Applicants have amended the specification and Claim 26 as discussed in the Examiner interview. Claim 26 as amended recites in part at least "A computer-program product comprising a computer readable medium configured to store computer program code comprising...". Accordingly, Applicants respectfully submit Claim 26 as amended recites statutory subject matter and overcomes the Examiner's rejection under 35 U.S.C. 101. Claims 27-28 depend from Claim 26 and so also recite statutory subject matter and overcome the Examiner's rejection.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 101 rejections of each of Claims 26-28.

Rejections under 35 U.S.C. 102(b)

In the Office Action at page 5, the Examiner rejected Claims 1, 3-7 and 26-28 under 35 U.S.C. 102(b) as being fully anticipated by Hockey, WO 02/19069 A2, hereinafter Hockey.

Claim 1

Applicants have amended Claim 1.

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Applicants' Claim 1 recites in part at least:

...comparing outbound traffic on a host computer system to inbound traffic on the host computer system, wherein the inbound traffic is received on the host computer system from a source external to the host computer system, and wherein the outbound traffic is generated on the host computer system for transmission from the host computer system to a destination external to the host computer system.... (emphasis added)

Distinguishably, Applicants respectfully submit the references to Hockey relied on by the Examiner at most describe comparison of inbound emails to inbound emails, i.e., comparison of inbound traffic to inbound traffic. Accordingly, Applicants submit the citations to Hockey relied on by the Examiner do not teach or suggest at least the above elements of Claim 1, and thus do not support an anticipation rejection of Claim 1.

Claims 3-11 depend from Claim 1, and thus for at least the same reasons as Claim 1, are not anticipated by Hockey.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102(b) anticipation rejections of each of Claims 1 and 3-7.

Claim 26

Applicants have amended Claim 26.

Applicants' Claim 26 recites in part at least:

...a detection application for comparing outbound traffic on a host computer system to inbound traffic on the host computer system, wherein the inbound traffic is received on the host computer system from a source external to the host computer system, and wherein the outbound traffic is generated on the host computer system for transmission from the host computer system to a destination external to the host computer system... (emphasis added)

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Applicants respectfully submit that for at least the same reasons discussed with regard to the anticipation rejection of Claim 1, hereby incorporated by reference, Claim 26 is not anticipated by Hockey.

Claims 27-28 depend from Claim 26, and thus for at least the same reasons as Claim 26, are not anticipated by Hockey.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102(b) anticipation rejections of each of Claims 26-28.

Rejections under 35 U.S.C. 102(e)

In the Office Action at page 7, the Examiner rejected Claims 15-25 under 35 U.S.C. 102(e) as being fully anticipated by Chesla et al., US Pub. No. 2004/0250124, hereinafter Chesla.

Claim 15

Applicants have amended Claim 15.

Applicants' Claim 15 recites in part at least:

...intercepting inbound traffic on a host computer system, wherein the inbound traffic is received on the host computer system from a source external to the host computer system;

copying the inbound traffic to an inbound traffic memory area, the copying the inbound traffic generating copied inbound traffic;

releasing the inbound traffic;

intercepting outbound traffic on the host computer system, wherein the outbound traffic is generated on the host computer system for transmission from the host computer system to a destination external to the host computer system;

copying the outbound traffic to an outbound traffic memory area, the copying the outbound traffic generating copied outbound traffic;

releasing the outbound traffic;

comparing at least a portion of the copied inbound traffic with at least a portion of the copied outbound traffic... (emphasis added)

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Distinguishably, Applicants respectfully submit that the citations to Chesla relied on by the Examiner at most describe comparison of filtered incoming traffic and unfiltered incoming traffic, i.e., comparison of incoming traffic to incoming traffic. (See also Fig. 2 of Chesla showing flow of incoming traffic from WAN 26.) Accordingly, Applicants submit the citations to Chesla relied on by the Examiner do not teach or suggest at least the above elements of Claim 15, and thus do not support an anticipation rejection of Claim 15.

Claims 16-19 depend from Claim 15, and thus for at least the same reasons as Claim 15, are not anticipated by Chesla.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102(e) anticipation rejections of each of Claims 15-19.

Claim 20

Applicants have amended Claim 20.

Applicants' Claim 20 recites in part at least:

...intercepting inbound traffic on a host computer system, wherein the inbound traffic is received on the host computer system from a source external to the host computer system;

copying the inbound traffic to an inbound traffic memory area, the copying the inbound traffic generating copied inbound traffic;

releasing the inbound traffic;

intercepting outbound traffic on the host computer system wherein the outbound traffic is generated on the host computer system for transmission from the host computer system to a destination external to the host computer system;

buffering the outbound traffic in an outbound traffic memory area, the buffering the outbound traffic generating buffered outbound traffic;

comparing at least a portion of the copied inbound traffic with at least a portion of the buffered outbound traffic... (emphasis added)

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Applicants respectfully submit that for at least the same reasons discussed with regard to the anticipation rejection of Claim 15, hereby incorporated by reference, Claim 20 is not anticipated by Chesla.

Claims 21-25 depend from Claim 20, and thus for at least the same reasons as Claim 20, are not anticipated by Chesla.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 102(e) anticipation rejections of each of Claims 20-25.

Rejections under 35 U.S.C. 103(a)

In the Office Action at page 10, the Examiner rejected Claims 8-11 under 35 U.S.C. 103(a) as being unpatentable over Hockey "...as applied to Claim 2..." and further in view of Chesla.

Applicants respectfully note that Claim 2 was earlier cancelled and thus Applicants, for purposes of responding, have assumed the rejection is as applied to Claim 1 rather than Claim 2, and the following remarks are based on this assumption.

Claims 8-11

Applicants respectfully traverse the obviousness rejections of each of Claims 8-11.

Claims 8-11 each depend directly or indirectly from independent Claim 1.

Applicants respectfully submit that for at least the reasons earlier presented with respect to the 102(b) rejection of Claim 1, hereby incorporated by reference, the citations to Hockey relied on by the Examiner fail to teach or suggest at least "...comparing outbound traffic on a host computer system to inbound traffic on the host computer system..." as recited in part in Applicants' Claim 1 (emphasis added).

Further, for at least the reasons earlier presented with respect to the 102(e) rejection of Claim 15, hereby incorporated by reference, the citations to Chesla relied on by the Examiner

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fail to teach or suggest at least "...comparing at least a portion of the copied inbound traffic with at least a portion of the copied outbound traffic..." as recited in part in Applicants' Claim 15 (emphasis added). Accordingly, Applicants submit the citations to Chesla relied on by the Examiner fail to correct the deficiencies of Hockey, and thus the combination does not support an obviousness rejection of Claim 1.

Based on the above remarks, as Claims 8-11 depend from Claim 1, for at least the same reasons Claim 1 is not obvious over Hockey in view of Chesla, Claims 8-11 are also not obvious over Hockey in view Chesla.

Applicants respectfully request reconsideration and withdrawal of the 35 U.S.C. 103(a) rejections of each of Claims 8-11.

Conclusion

Claims 1, 3-11, and 15-28 remain in the application. For the foregoing reasons, Applicants respectfully request allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant(s).

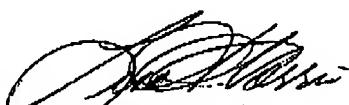
Respectfully submitted,

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I hereby certify this paper is being facsimile transmitted to the Patent and Trademark Office, Fax No. (571) 273-8300, on the date shown below.


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